



04-10-02 RCE/1700 \$  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

Section (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Address to:

Commissioner for Patents  
Box RCE  
Washington, DC 20231

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APR 11 2002  
TC 1700

Application Number:  
09/402,112

Filing Date:  
September 29, 1999  
Accepted:  
February 18, 2000

#  
17/w.m.  
4/23/02

First Named Inventor:  
Shajiro KAWAKAMI et al.

Group Art Unit: 1753

Examiner Name:  
S. VERSTEEG

Attorney Docket Number:  
FUK-63

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_ (Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☒ Affidavit(s)/Declaration(s)
- iii. ☐ Supplemental Information Disclosure Statement (IDS)
- iv. ☒ Other Petition for Extension of Time

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2. ☐ **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required).
- b. ☐ Other \_\_\_\_\_

3. ☒ **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following deficiency of fees, or credit any overpayments, to Deposit Account No. 501157
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) **\$370**
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) **\$460**
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$830.00 enclosed (Check #6044)
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

Respectfully submitted,

Vincent P. Merz, Jr.  
Vincent P. Merz, Jr.  
Registration No. 45,722

VPM/td

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Date of Deposit April 9, 2002.

I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Box RCE, Washington, DC 20231

Vincent P. Merz, Jr., Registration No. 45,722  
(Typed Name of Person Mailing Paper or Fee)

Vincent P. Merz, Jr.  
(Signature of Person Mailing Paper or Fee)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Applicant )  
Shajiro KAWAKAMI et al. ) Art Group: 1753  
Serial No.: 09/402,112 )  
Filing Date: September 29, 1999 )  
Accepted: February 18, 2000 ) Examiner: S. VERSTEEG  
Title: THREE-DIMENSIONAL )  
PERIODIC STRUCTURE, ITS )  
FABRICATION METHOD, AND )  
METHOD OF FABRICATION )  
FILM )

#  
18/B  
W.M.  
4/23/02

RESPONSE

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

Responsive to the Office Action dated October 9, 2001,  
having a due date of January 9, 2002, which has been extended by  
three months by the contemporaneously filed Petition of Extension  
of Time, now having a due date of April 9, 2002, Applicant hereby  
submits the following Remarks.

REMARKS

Claims 1-18 are pending in the present application with  
claims 1-4 and 7-18 withdrawn from consideration and claims 5 and  
6 rejected.

Please cancel claims 1-4 and 7-18 without prejudice.

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